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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-647

STEPHANIE MARIE BURCHFIELD
aka Stephanie Marie Gray
5495 Hackberry Lane
Hokes Bluff, AL 35903

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 605393

RESPONDENT

FINDINGS OF FACT

1. On or about January 24, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-647 against Stephanie Marie Burchfield (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 27, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 605393 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on August 31, 2004 and has not been renewed.

3. On or about January 24, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-647, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

5495 Hackberry Lane

Hokes Bluff, AL 35903.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about February 4, 2011, the Certified Mail documents were returned, and on
5 February 1, 2011, the First Class Mail documents were returned, both marked by the U.S. Postal
6 Service, "Attempted, Not Known."

7 6. Respondent failed to maintain an updated address with the Board and the Board has
8 made attempts to serve the Respondent at the address on file. Respondent has not made herself
9 available for service, and therefore, has not availed herself of her right to file a notice of defense
10 and appear at a hearing.

11 7. Business and Professions Code section 2764 states:

12 The lapsing or suspension of a license by operation of law or by order or decision of
13 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
15 against such license, or to render a decision suspending or revoking such license.

16 8. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
22 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
23 647.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
26 agency may take action based upon the respondent's express admissions or upon other evidence
27 and affidavits may be used as evidence without any notice to respondent.

28 10. Pursuant to its authority under Government Code section 11520, the Board after

1 having reviewed the proof of service dated, January 24, 2011, signed by Beth Scott, and the
2 returned envelopes that had been sent by Certified and First Class Mail, finds Respondent is in
3 default. The documents contained in the Default Decision Investigatory Evidence Packet which
4 includes: Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History
5 Certification for Stephanie Marie Burchfield, Registered Nurse License No. 605393; Exhibit 3 –
6 Final Order of Reprimand before the State of Florida Board of Nursing in the matter of
7 Department of Health vs. Stephanie Marie Burchfield Case No. 2008-20660 License No. RN
8 9235270; Exhibit 4 – Affidavit of Shannon Silberling; Exhibit 5 – Certification of costs by Board
9 for investigation and enforcement in Case No. 2011-647; Exhibit 7 – Declaration of costs by
10 Office of the Attorney General for prosecution of Case No. 2011-647, finds that the charges and
11 allegations in Accusation No. 2011-647, are separately and severally true and correct by clear and
12 convincing evidence.

13 11. Taking official notice of the Declaration of costs by the Office of the Attorney
14 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business
15 and Professions Code section 125.3, it is hereby determined that the reasonable costs for
16 Investigation and Enforcement in connection with the Accusation are \$660.00 as of February 7,
17 2011.

18 DETERMINATION OF ISSUES

19 1. Based on the foregoing findings of fact, Respondent Stephanie Marie Burchfield has
20 subjected her following licenses to discipline:

21 a. Registered Nurse License No. 605393

22 2. The agency has jurisdiction to adjudicate this case by default.

23 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
24 Nurse License based upon the following violations alleged in the Accusation, which are
25 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
26 case.

27 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
28 action by another State Board of Nursing.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 605393, heretofore issued to Respondent Stephanie Marie Burchfield, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 12, 2011.

It is so ORDERED April 12, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2011-647

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-647*

13 **STEPHANIE MARIE BURCHFIELD,**
14 **a.k.a. STEPHANIE MARIE GRAY**
15 **5495 Hackberry Lane**
16 **Hokes Bluff, AL 35903**
17 **Registered Nurse License No. 605393**

ACCUSATION

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.
23 2. On or about August 27, 2002, the Board of Registered Nursing issued Registered
24 Nurse License Number 605393 to Stephanie Marie Burchfield, also known as Stephanie Marie
25 Gray (Respondent). The Registered Nurse License expired on August 31, 2004, and has not been
26 renewed.
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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

1
2 DRUGS

3 16. "Demerol" is a compound containing Meperidine Hydrochloride, and is a Schedule II
4 controlled substance pursuant to California Health and Safety Code section 11055, subdivision
5 (c)(17), and a dangerous drug within the meaning of Code section 4022.

6 COST RECOVERY

7 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)
12 (Bus. & Prof. Code §2761(a)(4))

13 9. Respondent has subjected her registered nurse license to disciplinary action under
14 Code section 2761, subdivision (a)(4), in that on or about January 11, 2010, in a disciplinary
15 action before the State of Florida Board of Nursing (Florida Board), Case Number 2008-20660,
16 the Florida Board entered Final Order reprimanding Respondent and suspending her registered
17 nurse license until she completed an evaluation by the Intervention Project for Nurses (IPN). The
18 Final Order required Respondent to comply with any terms and conditions imposed by IPN as a
19 result of the evaluation. If the evaluation showed that Respondent was not in need of further
20 monitoring and the IPN was not suitable, the Final Order did not require further action. However
21 if Respondent was in need of monitoring and treatment, she was required to comply with all
22 conditions of the IPN advocacy contract. Violation of the IPN Advocacy Contract would result in
23 an immediate lift of the stay of suspension, and Reinstatement of Respondent's license would
24 require compliance with all terms and conditions set forth in any previous Board Order. At the
25 time of reinstatement, Respondent would be required to demonstrate her present ability to engage
26 in the safe practice of nursing, including documentation of two years of continuous sobriety.

10. The underlying conduct supporting the Florida Board's disciplinary action is that on or about August 28, 2008, Respondent was employed by Supplemental Health Care, a staffing agency that assigns nurses to work at health care facilities. On or about August 28, 2008, while assigned to Capital Regional Medical Center in Tallahassee, Florida, Respondent removed Demerol multiple times for four different patients and failed to properly record the administration or wasting of the entire amount of Demerol removed on each occasion. Respondent also withdrew Demerol for these four different patients after those patients had been discharged from Capital Regional Medical Center. The Florida Board concluded that Respondent engaged or attempted to engage in the possession, sale, or distribution of controlled substances by diverting Demerol from Capital Regional Medical Center.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 605393, issued to Stephanie Marie Burchfield, also known as Stephanie Marie Gray;
2. Ordering Stephanie Marie Burchfield, also known as Stephanie Marie Gray to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: January 24, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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